

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

JENNIFER WHITE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-631-J
)	
PAUL ZIRIAX, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff initiated this action on June 19, 2024, asserting First Amendment retaliation claims against Defendants Paul Ziriaux, Heather Mahieu Cline, Tim Mauldin, and Mignon Lambley (Defendants), all in their individual capacities. [Doc. No. 1]. Thereafter, on July 22, 2024, Defendants collectively moved to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6) and 8. [Doc. No. 4]. Today, August 6, 2024, in response to Defendants' motion to dismiss, Plaintiff filed an amended complaint again asserting First Amendment retaliation claims against Defendants. [Doc. No. 6].

Federal Rule of Civil Procedure 15(a) provides that if a "pleading is one to which a responsive pleading is required," a party may amend its pleading once as a matter of course within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." In all other cases, a party may amend its pleading only with the opposing party's written consent or with the court's leave. Fed. R. Civ. P. 15(a)(2). It is "well established that an amended complaint ordinarily supersedes the original and renders it of no legal effect." *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation marks omitted). Plaintiff's amended complaint was filed within the confines of Rule 15(a).

“Because the original complaint has been superseded and nullified, there is no longer a live dispute about the propriety or merit of the claims asserted therein; therefore, any motion to dismiss such claims is moot.” *Brumfiel v. U.S. Bank*, No. 12-cv-02716-WJM, 2013 WL 12246738, at *1 (D. Colo. May 16, 2013) (internal quotation marks omitted). Accordingly, Defendants’ motion to dismiss [Doc. No. 4] is DENIED as moot.

IT IS SO ORDERED this 6th day of August, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE